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EXAMINER

NGUYEN, THOMAS T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 34

Application Number: 08-939,064
Filing Date: 09-29-1997
Appellant(s): Kamachi et al.

MAILED

DEC 17 2002

Technology Center 2100

Jeffrey H. Canfield
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed September 13, 2002.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences contained in the brief is correct.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is substantially correct.

The changes are as follows:

Claims 1-12 are pending in the Application.

Claims 1,2,5-7 and 10 are unpatentable under 35 USC 103(a) over Elliott et al. U.S. Patent 5,621,904 in view of Santos-Gomez U.S. 5,771,042;

Claims 3,4,8,9,11 and 12 are unpatentable under 35 USC 103(a) over Elliott et al. U.S. Patent 5,621,904 in view of Santos-Gomez U.S. 5,771,042 and further in view of Liles et al. US Patent 5,880,731.

(4) *Status of Amendment After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of the Invention*

The summary of invention contained in the brief is correct.

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(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

Whether claims 1,2,5-7 and 10 are unpatentable under 35 USC 103(a) over Elliott et al. U.S. Patent 5,621,904 in view of Santos-Gomez U.S. 5,771,042;

Whether claims 3,4,8,9,11 and 12 are unpatentable under 35 USC 103(a) over Elliott et al. U.S. Patent 5,621,904 in view of Santos-Gomez U.S. 5,771,042 and further in view of Liles et al. US Patent 5,880,731.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-12 do stand or fall together (brief, p.4) and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix I of the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,621,904	Elliott et al.	04-1997
5,771,042	Santos-Gomez	06-1998
5,880,731	Liles et al	03-1999

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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claim 1-2,5-7,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al. US Patent 5,621,904 in view of Santos-Gomez US 5,771,042.

As per claim 1,5-6: Elliott discloses a system and method for process and displaying a main information window; and a accompanying information sub-window associated with main information which having a height, a width independent to the main window including automatically arrangement changing the display position moving the sub-window to main window within (less than) a preset predetermined value, and arranging of sub window to a position adjacent to main window (abstract, summary and col.2 , line 40 to col.3, line 30; FIG.2), although Elliott's description of related art discloses user able manually move the sub-window to user specified position (col.1) but Elliott's system does not teach when the user-specified position less than a preset predetermined value the automatically arrangement take place. However, Santos-Gomez discloses a snap region when sub-window is moved to within / less than predetermined distance of the user specified position (Fig.4-5, col.4-5) . Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention to modify Elliott's system using Santos's "snap" feature because this gain user control in composition of screen layout and furthermore displaying windows this way are utilizing display spaces effective and efficiently for user viewing without obscured information as suggested by Elliott (col.1-2).

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As per claim 2,7,10: Recite from claim 1, Elliott discloses a system for display a sub window adjacent to main window within a preset predetermined value, but Elliott's system discloses automatic arrangement by moves the sub window adjacent to main window and alignment both windows in reserve order (lower side of sub-window with lower side of main window instead upper side see FIG.2,3,4A-B). However, it would have been obvious to one of ordinary skill in the relevant art at the time of invention for change sub-window coordinate to alignment the upper sides or lower side of main window and sub window, because organizing the display windows this way it a matter of application preference at the time programming design and in some cases may maximize/ utilize the display area effectively to meet spacing availability and/or user needs.

Claim 3-4,8-9,11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al. US Patent 5,621,904 in view of Santos-Gomez US 5,771,042, and further in view of Liles et al. US Patent 5,880,731.

As per claim 3,8,11: Recite from claim 1, but Elliott's image display system does not discloses the main window displays a 3D Virtual Reality and sub windows display a chat perform via an avatar. However, Liles teaches present invention system relates to a virtual space which allows avatar freely move to desired position in a shared in 3D virtual space (abstract, col.3-4, Fig.13). Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention to combine Elliott's position windows display and Liles's disclosures for obtaining an image display which main window in 3D virtual reality space and sub window of a movable chat avatar, because this would enhance system performance and usability.

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As per claim 4,9,12: Recite from claim 3, Liles's system describes in virtual world 3D graphic data network communication with the server (col.5-6) but does not disclose any particular language. It would have been obvious to one of ordinary skill in the relevant art at the time of invention to select a well known such as VRML (Virtual Reality Modeling Language) for implement the 3D graphics with avatar in Virtual Reality / Virtual space because this would enhance system performance efficiently / effectively in Virtual Reality environment.

Furthermore, the rejection of independent claims 1,5-6 is further clarified as follows:

As per claim 1,5-6: Elliott's Fig. 2 displays the following:

- displaying a main window (202) including information of the main window;
- displaying a sub window (203) including information of the sub window; and
- automatic arrangement for displaying the sub windows at a position adjacent to main window with at least a minimum space "G" between the main window and the sub window, wherein the sub-window has a height, a width independent of the main window (col. 4 lines 4-7, Fig. 3 and claim 1). On the other hand, Elliott's system fails to teach a user-specified position for displaying windows such that a distance between the windows is less than a preset predetermined value as claimed. However, Santos-Gomez discloses a "snap" region when sub-window is moved to within / less than predetermined distance of the user specified position (Fig. 4-5, cols. 4-5). Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention to modify Elliott's system using Santos-Gomez's teaching of the "snap" feature because this gains the user control over composition of screen layout, and

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displaying the windows this way may utilize display spaces effectively / efficiently for user viewing without obscuring information, as suggested by Elliott (cols. 1-2).

(11) Response to Argument

Appellant(s) argues that “Elliott et al.’s invention is entirely geared toward placing the child window away from the parent window, as opposed to moving the two closer together” (p.5). However, Elliott’s system automatically arranges the main window and sub window to be displayed close together; the whole intention of Elliott is to move the child window close to the parent window with minimum space (gutter G in Fig.2) between the two windows to avoid overlap which may obscure information displayed in the parent window. For example, Elliott discloses the “gutter G” is used as at least a minimum space between the main window and sub window. Thus, it is clear that Elliott’s invention is not placing the child window away from the parent window as Appellant interpreted, instead they are displayed close together with a space “gutter” so these windows do not touch one another (col. 4 lines 4-7). Furthermore, it would be worthwhile to mention that the Appellant’s independent claims 1,5,6 are stated broadly enough so that the distance (space) between the two related windows can be very far apart since a preset predetermined value is a variable which does not specify any number (can be very large value). For instance, the independent claims 1,5, and 6 disclose “a distance between said sub window and said main window is less than a preset predetermined value”. For at least the reasoning from the above, Elliott’s invention teaches substantial features and limitations as Appellant has claimed.

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Appellant(s) argues that in the Santos-Gomez reference "As is best seen in Fig. 6, the single size control separator 37 may be used to adjust the relative sizes of the various work spaces simultaneously. In other words, the height and width of the various windows that are adjacent one another when the work areas are snapped into place are no longer independent, but rather are collectively controlled by the single size control separator 37" (pages 5-6). However, the Examiner has not relied on Santos-Gomez's feature of maintaining the height and the width of sub window to be independent. On the other hand, the Examiner depends on Santos-Gomez to teach a feature that is lacking from Elliot's system, which is that of the "user specified position" (col. 4 lines 64-67 and col. 5 lines 1-7, Figs. 2-5).

Appellant(s) argues that "It was improper to combine the teaching of Santos-Gomez with that of Elliott et al. to reject the pending claims under 35 U. S. C. 103 (a)". However, in Appellant's invention, independent claims 1, 5 and 6 are geared toward what is disclosed in Elliot's reference. For example, in addition to what is recited from above, Elliot's Field of the Invention teaches "positioning windows such that the display of other important information is not obscured" (col. 1 lines 7-11) such that a sub window has a height and a width independent of a height and a width of a main window (summary, Fig. 2, and claims 1-9). Furthermore, as mentioned from above, Elliot's system fails to teach a "user specified position" for arranging the main window and sub window because Elliot automatically arranges the windows. On the other hand, a "user specified position" for arranging windows as claimed was known in the art at the time Appellant(s) invention was made. For example, Santos-Gomez teaches the user specified position by graphically moving the window close together (workspaces snap together

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when their borders are within a predetermined value "sufficiently close proximity" Figs. 2-3) which Appellant admits in the brief on page 5-6, and the Examiner has relied on that for what Elliot's reference is lacks. Therefore, it would have been obvious to an artisan at the time of the invention was made to modify Elliot's system by replacing the automatically arranged windows with Santos-Gomez's teaching of user specified position such that a second window is snap to a first window when the second window is moved to sufficiently close proximity (col. 7, lines 34-36, Figs. 2-5 and see Appellant's Fig. 31).

The motivation for doing so is to give the user gained control over composition of screen layout (arranging windows) which increases the flexibility of manipulation of windows in a graphical user interface environment as suggested by Santos-Gomez (col. 2 lines 23-26).

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

For the above reason, it is believed that the rejections should be sustained.

Respectfully submitted,

An appeal conference was held on December 03, 2002

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December 13, 2002

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